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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/396,530 09/15/99 ADDINGTON

R 99-1002

EXAMINER

QM12/0320

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PIERCE, W

ART UNIT

PAPER NUMBER

3711

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DATE MAILED:

03/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/396,530

Applicant(s)
Addington et al.

Examiner
William M. Pierce

Group Art Unit
3711



☒ Responsive to communication(s) filed on Sep 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152


WILLIAM M. PIERCE
PRIMARY EXAMINER

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps to the claimed method must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Such steps in a method are adequately shown by way of a flowchart.

2. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification.

More specifically, in claim 1, the step of releasing “by applying a force in a first direction from said bowler’s finger pad against said first surface to said interior surface of said bowling ball” is not disclosed.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims should not positively refer to elements not positively “provided” by the claimed method. The word “the...” should be replaced by --a...--. For example, “the direction of spin” should be --a direction of spin-- and “the contact area” should be --a contact area--. Applicant is to review and correct the form of the claims. Further the claims refer to structure not positively recited in the method. For example in claim 1, “the finger hole of a bowling ball” is not positively provided for in a step of “providing...” . While it is functionally recited in the preamble, the body

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of the claim should be able to stand alone since it does not depend on the preamble for meaning.

In claim 1, "the contact area", the finger hole", "the interior surface", "said interior surface of said bowling ball", "the force of the bowling ball" and "the pressure" lack a proper antecedent. "Said finger pad" used in the claim should clarify whether it refers to the "finger pad shield" or the "bowler's finger pad". Claim 6 is inapt since one cannot physically take the step of "spreading said force". Such is a result which would like to be obtained by the shield and not a physical step. In claim 6, "the widest area", claim 7, "said surface connected to said finger pad shield", claim 8, "the maximum force", in claims 9 and 12, "the entire area of said finger pad", in claim 10, "the entire contact area"

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Marinese et al.


As to claims 1, 3 and 6-13, Marinese clearly shows steps a-c. As to step d, in the use of Marinese the bowler would release the pressure on the finger pad by "applying a force in a first direction...to said interior surface of said bowling ball". Moving the force in an opposite direction from the finger pad causes the finger to slip out of the hole in the bowling ball. Inherently, more

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force is received "against the second surface" of the shield shown by Marinese. As to claim 2, it is known to "lift" the ball at the end of the release to impart spin. As to claims 4 and 5, it is inherent that binding ring 9, limits the depth of insertion.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrov and Clark show bowling finger cots.

7. Any inquiry concerning this communication should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (703) 308-3551.



WILLIAM M. PIERCE
PRIMARY EXAMINER